

SUPREME COURT OF CALIFORNIA

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**NOTICE OF  
FORTHCOMING FILING**

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**The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site ([www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)) and copies will be made available at the Supreme Court Clerk's Office.**

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

**TERRY McCANN et al. v. FOSTER WHEELER LLC**

S162435 (B189898; Los Angeles County Superior Court – BC336869)

Argued in San Francisco 1-07-10

This case presents the following issue: Where plaintiff's exposure to asbestos in Oklahoma in 1957 (when plaintiff was a resident of Oklahoma) assertedly led to plaintiff's developing mesothelioma in 2005 (when plaintiff was a resident of California), is the timeliness of plaintiff's action against defendant (a company that designed and manufactured the boiler upon which the asbestos was being installed in Oklahoma) properly governed by Oklahoma or California law?

**KIMBERLY McCARTHER et al. v. PACIFIC TELESIS GROUP et al.**

S164692 (A115223; Alameda County Superior Court – RG05219163)

Argued in Los Angeles 12-09-09

This case presents the following issues: (1) Does Labor Code section 233, which mandates that employees be allowed to use a portion of "accrued and available sick leave" to care for sick family members, apply to employer plans in which employees do not periodically accrue a certain number of paid sick days but are paid for qualifying absences due to illness? (2) Does Labor Code section 234, which prohibits employers from disciplining employees for using sick leave to care for sick family members, prohibit an employer from disciplining an employee who takes such "kin care" leave if the employer would have the right to discipline the employee for taking time off for the employee's own illness or injury?

**Opinion(s) in the above case(s) will be filed on:**

Thursday, February 18, 2010 at 10:00 a.m.

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